

**MINUTES OF THE REGULAR MEETING OF THE
WASHINGTON STATE TRANSPORTATION COMMISSION
April 17, 2002**

The regular meeting of the Washington State Transportation Commission was called to order at 9:00 a.m., on April 17, 2002, in Room 1D2 of the Transportation Building in Olympia, Washington.

Commissioners present were: Chris Marr, Ed Barnes, Aubrey Davis, Elmira Forner, George Kargianis, A. Michèle Maher and Connie Niva.

APPROVAL OF MINUTES

It was moved by Commissioner Davis, and seconded by Commissioner Maher, to approve the minutes of the February 20 and 21, 2002 and March 20 and 21, 2002 Commission meetings. The motion was approved unanimously.

OFFICE OF THE SECRETARY REPORT

Secretary MacDonald introduced Jo Aldridge, the Executive Assistant for Secretary MacDonald, Ashley Probart, the new Transportation Planning Manager, Larry Ehl, the new Federal Liaison, and Ann Briggs, the new Ombudsman.

Brian Ziegler, Director of Maintenance and Operations, briefed the Commission regarding the winter storms' impact on the ability to keep the mountain passes open and safe. This winter was more severe than usual, and the Department used more overtime hours than average to keep the passes open as much as possible.

Mr. Ziegler indicated that the North Cascades Pass has been closed all winter. The Department crew started clearing the pass on March 21, 2002. Stevens Pass has had almost five million cubic yards of snow removed. Snoqualmie Pass had 493 inches of snowfall. White Pass and Satus Pass had no weather closures.

Mr. Ziegler introduced the Maintenance employees who did a great job responding to this winter's storms: Lee Proffitt, Maintenance Tech., White Pass; Don Stoneburg, Maintenance Tech., Hyak; Rick Wood, Maintenance Supervisor, Leavenworth; Bud Wall, Superintendent, Goldendale; Theresa McCoy, Traffic System Operations Specialist; Hyak, Jim "JJ" Johnson, Maintenance Tech., Leavenworth; Bob Cernick, Maintenance Supervisor, Hyak; and Brandie Gasparovich, Maintenance Tech., Goldendale. Mr. Ziegler offered a resolution to recognize WSDOT highway maintenance employees.

It was moved by Commissioner Forner, and seconded by Commissioner Niva, to adopt Resolution No. 632. The motion passed unanimously.

Dan Mathis, FHWA Division Administrator, conveyed to Terry Simmonds, Emergency Response Coordinator, a letter from Mary Peters, FHWA Administrator, thanking Mr. Simmonds for his dedicated work after the 9/11 attack in responding to the emergency and providing information to the federal agencies in a timely manner.

Ron Pannanen, Deputy Regional Administrator for the NW Region, explained to the Commission the challenges being dealt with on the Sunset Interchange project. The contractor ran into a glacial deposit of very large granite boulders, which means that the original procedure for driving the foundation shafts into the ground cannot be used. A more expensive method will have to be used, which will actually cut through the rock. The project also has had trouble with landslides, because of previously unknown slide zones on the hillside where the roadway excavation is being performed. Also, the steep slopes and the wetter than usual construction season increased erosion control problems, which is especially troublesome because of a nearby salmon stream. Commissioner Marr asked what was the total budget for the project. Mr. Pannanen indicated that the current law budget is \$80 million and the new total is \$120 million. Mr. Pannanen pointed out that the lessons learned from these challenges reinforces the need to have the Department control the design of the project, the need to conduct an appropriate amount of geotech evaluation in the design phase, and the need to use the new cost estimation validation process to improve the accuracy of the estimates. The Department will be negotiating with the contractor regarding the claims for increased costs to address the above challenges.

Secretary MacDonald distributed a memorandum regarding restrictions for commissioners and employees with regard to referendums and initiatives. He also mentioned that he sent a letter to the Governor pointing out that SR 99 was never legally named Jefferson Davis; therefore no action needs to be taken to remove the name from SR 99. Secretary MacDonald also advised the Commission that the Department is working with the three counties in the Central Puget Sound to provide information necessary for those counties to implement the regionalism legislation passed in the 2002 legislative session.

TACOMA NARROWS BRIDGE UPDATE

Linea Laird, Tacoma Narrows Bridge Project Manager, briefed the Commission regarding the progress on the Tacoma Narrows Bridge. She pointed out the changes in the laws governing the project as a result of the 2002 legislative session. She also discussed a preliminary schedule: the goal is to have everything in place for the beginning of construction in September 2002. Secretary MacDonald cautioned that much work has to be done before the Department can accurately predict when work will begin.

The Commission discussed the toll setting authority given to the Commission by the legislation, and asked Ms. Laird to develop a draft work plan that will describe how

the Citizens Advisory Committee will be involved in the process. Commissioner Marr pointed out that the Washington State Ferries Tariff Policy Committee and the public involvement process by WSF has worked well, and should be examined to determine what might be applicable to the Tacoma Narrows Bridge process.

Ms. Laird will report to the Commission on a monthly basis regarding the progress of the project.

PUBLIC AND LEGISLATOR COMMENT PERIOD

Senator Mike Hewitt discussed the impact of the delay in proceeding with improvements on US 12. Fred Bennett, Port of Walla Walla Commissioner, indicated that the Port of Walla Walla has 100 jobs sitting on the table, dependent on the improvements planned for US 12. Mr. Bennett indicated that US 12 has had 975 accidents, 370 injuries, and 21 deaths in the last year. David Carey, Walla Walla County Commissioner, stated the county has been working for 26 years to make US 12 a four-lane highway. There are two major businesses on US 12: one has 900 employees and the other has 1,700 employees. The employees have to drive the highway twice a day. Phil Merrell, Walla Walla County Public Works Director, and Dan James, a consultant representing the US 12 coalition in Washington, D.C., spoke about the economic and safety impact of the current deficiencies in the highway and how the project would resolve them. They also discussed the funding partnership that had been developed to contribute to the financial feasibility of the project. Commissioner Niva indicated that this is a proposed one-year delay. The Department is not canceling the project; the project is scheduled for spring of 2003. Commissioner Davis indicated that he has driven on US 12, and understands the importance of having the work done. Commissioner Barnes suggested that the Legislature should leave project selection up to the Commission. Commissioner Forner stated that providing flexibility is important. She commented that this project could be used as an example of the cost involved in starting and stopping projects. Commissioner Maher indicated that rural safety and rural economic development are key issues.

Representative Phil Rockefeller talked with the Commission about the importance of key state transportation facilities and service to the Kitsap Peninsula, and thanked the Commission for its efforts. He commented that he had learned a great deal from attending the Commission meeting and watching the Commission work to implement the budget decisions made by the Legislature. He also briefed the Commission regarding the work of the Transportation Permit Efficiency and Accountability Committee, on which he serves. Representative Rockefeller also discussed the future of the passenger-only ferry system, and expressed the hope that funding for Washington State Ferries could be stabilized, and that the stabilization would allow improved funding of the passenger-only fleet. He suggested that the 18th Amendment does not distinguish between auto and passenger ferries when stating that the ferries are an extension of the state highway system. He stated that he would like to see a test case to resolve the question, given that it is currently assumed that gas taxes cannot be spent on passenger-only ferries.

Bob Stowe, Mill Creek City Manager, spoke to the Commission concerning the impact of a delay in the SR 527 project until Spring 2003. The project is ready to go to ad, and development decisions have been made by the city and others based on written commitments from the Department. Commissioner Niva indicated that this project is only going to have a one-year delay, and if this project were kept on schedule another project would have to be delayed.

Meta Heller, representing Common Ground USA, spoke to the Commission about the tax increase being proposed in Referendum 51, and recommended the Commission get involved in the Tax Structure Reform Study Committee being chaired by Bill Gates, Sr.

2002 SUPPLEMENTAL BUDGET PROGRAMMING DECISIONS

Bill Ford, Budget Chief, reviewed with the Commission the impacts of the 2002 Supplemental Budget on the operating programs and the capital programs with the exception of the Highway Improvement and Highway Preservation programs.

John Conrad, Assistant Secretary of Engineering and Regional Operations, and Rick Smith, Director of Planning and Capital Program Management, discussed the Highway Improvement and Highway Preservation programs, which require programming decisions by the Commission. Mr. Conrad explained that the 2002 supplemental budget reduced the Improvement Program by \$45.7 million. In addition to the reduction, the Department anticipates \$26.0 million in cost increases for projects already under construction, and “over programmed” the original list of projects by \$4.6 million. He explained that over programming is a common practice to make sure projects are ready to move forward if another one slips in the time schedule. At this stage of the biennium, the Department believes it must reduce that list by \$4.6 million because there is very little money left for new starts. As a result, changes to the program of projects must be made to eliminate \$76.3 million in previously planned expenditures during this biennium.

Mr. Conrad explained what factors the Department considered in preparing the recommended list of projects to be deferred to later in the biennium or taken out of this biennium and put back on the table for 03-05 budget decisions. The Department did not consider stopping projects already under construction. It could not use the Preservation Program appropriation to pay for Improvement projects. The Department should defer preliminary engineering and right of way acquisitions where it has not started, but should continue preliminary engineering and right of way acquisition if construction money is certain to be available for the projects. The Department also worked to achieve a balance between the regions of the state. The Department at first attempted to maintain the existing plan for projects listed in ESSB 6347, the new law transportation budget, but found that was not entirely possible. The Department also considered a large reduction in the Safety Subprogram, but later decided that was not in the best public interest. Mr. Conrad pointed out that the five projects with deferred ad dates would still be committed

to, by being under contract during the biennium, and thus would be guaranteed funding in the 03-05 budget period. Mr. Smith assured the Commission that the Department would not lose federal funds or other partnership funds as a result of the actions being proposed. Commissioner Marr indicated that the Department is creating a stack of projects competing for funds in the 03-05 budget against projects the Department had originally planned for the current law budget for 03-05.

Mr. Conrad pointed out two changes to the list initially recommended by the Department. The US 12/SR 124 to Walla Walla project would go to bid in the fall of 2002, rather than the spring of 2003. Also, the SR 532/Terry's Corner Park and Ride Lot would be taken off the reduction list, and proceed as originally planned. He also pointed out that Paula Hammond, Chief of Staff, is in communication with the Traffic Safety Commission to use \$2.0 million in FHWA safety program money to restore as many of the deferred safety projects as possible.

The Commission discussed with Mr. Smith the bow-wave of necessary but deferred projects that would be created by this action. Mr. Smith pointed out that while the 03-05 program of projects has not been drafted yet, he anticipates that there will be somewhere between \$200 million and \$300 million available in the Improvement Program under current law revenues to pay for projects. The list of reductions being proposed would amount to \$127 million in expenditures if all of the projects were put back into the program in 03-05. That would mean that a significant number of the projects the Department had planned to propose for funding under the Current Law Budget in 03-05 would not be able to be funded in 03-05. The problem just keeps being pushed forward. Under this scenario, the preservation and safety programs would not be funded at the Highway System Plan level. Mr. Smith indicated he expects to bring a 03-05 draft proposed project list to the Commission at the July 2002 meeting.

It was moved by Commissioner Barnes, and seconded by Commissioner Niva, to approve the changes in the list of 01-03 projects recommended by the Department. The motion was approved unanimously.

AUTHORIZING THE SALE OF TRANSPORTATION BONDS

Bill Starkey, Transportation Funds Manager, presented a request to the Commission to authorize the sale of transportation bonds supporting the 2002 Supplemental Transportation Budget. The bonds would support the appropriations for \$389.9 million in highway improvements other than the Tacoma Narrows Bridge, \$800 million for the Tacoma Narrows Bridge, \$50 million for WSF terminal and vessel preservation program, and \$1.4 million for the Public/Private Initiatives Program. Mr. Starkey offered a resolution to authorize the sale of transportation bonds.

It was moved by Commissioner Niva, and seconded by Commissioner Maher, to adopt Resolution No. 631. The motion passed unanimously.

NEAH BAY SCENIC BYWAY DESIGNATION REQUEST

Judy Lorenzo, Heritage Corridor Program Manager, Paula Connelley, Byway and Interpretive Specialist, Blanchard Matte, Makah Tribal Planner, Nate Tyler, Makah Tribal Council Vice Chair, Joe Bonga, Northwest Region Director for the Bureau of Indian Affairs, and Colleen Jollie, WSDOT Tribal Liaison, presented a request from the Makah Tribal Council for the Commission to designate the Neah Bay Road as a State Scenic Byway. The designation would create a new and separate state scenic byway, and would not change the jurisdiction of the roadway. The designation would recognize the Neah Bay Scenic Byway for the significant scenic, natural, cultural, recreational, historic and archeological resources along the corridor. The designation would allow the Makah Tribal Council to apply for planning funds from the National Scenic Byway Program.

Mr. Matte indicated that the new name for the National Scenic Byway would be Cape Flattery. The Tribe has a lot of goals and plans that will benefit from this designation. Secretary MacDonald indicated that this designation would give the Department an opportunity to engage in a Government-to-Government relationship. He also indicated that this proposal has the support of the Department and wished the Tribe the best of luck. Mr. Tyler thanked the Department and indicated that there has been a lot of work has been put into this issue in the last year.

It was moved by Commissioner Niva, and seconded by Commissioner Kargianis, to adopt Resolution No. 630. The motion passed unanimously.

WSDOT FREIGHT PLAN

John Doyle, Director, Freight Strategy and Policy, presented a draft of the Department's freight implementation plan. The plan is a compendium of the Department's activities and projects that support freight mobility. Mr. Doyle pointed out that the document would be updated periodically to reflect current activities and changed conditions in laws and funding.

It was moved by Commissioner Niva, and seconded by Commissioner Maher, to approve the plan. The motion passed unanimously.

TRANSPORTATION COMMISSION ADMINISTRATOR REPORTS

Chris Rose, Commission Administrator, consulted with the Commission regarding the early draft documents for the 03-05 budget development process for the Commission's budget. He also discussed the updated Commission work plan for the biennium, and the tasks associated with implementing the Commission's assignments from ESHB 2304, relating to transportation efficiencies. He also briefed the Commission regarding preliminary plans for the Colville local area meeting, which will be held

September 25, 2002. The tentative meeting agenda includes: a tour of US 2, SR 21 and SR 25, a meeting with the local area newspapers, a presentation by the Department and Commission regarding impacts of the current law budget and new law budget, a briefing and discussion regarding economic and local development projects, a briefing and discussion regarding aviation issues in the Northeast, a lunch meeting with legislators and local officials, a briefing and discussion regarding freight mobility issues, and a meeting with representatives of Colville, Spokane and Kalispell tribes

COMMISSIONER REPORTS

Commissioner Maher indicated that she participated in multiple transportation meetings, most of which have involved reviewing legislative actions. She also participated in the April 4th hearing on the ferry fares, and the subsequent meetings and tours involving Washington State Ferries.

Commissioner Forner indicated that she attended the Airport Association conference on April 6, in Seattle. She also indicated that the Pilot's Association would like to come before the Commission and talk about the relocation of the Aviation Division from Boeing Field to Arlington. She also attended the Wenatchee Valley Transportation meeting in Chelan. Commissioner Forner requested the Commission send letters to Senator Patty Murray, Senator Maria Cantwell, and Representative Hastings, in support of Pangborn Memorial Airport's request for federal assistance in obtaining a new instrument landing system that would enable the airport to be "all weather", thus improving the reliability of commercial air travel in and out of Wenatchee. The Commission agreed to do so. Commissioner Forner also attended a Pangborn Memorial Airport meeting on April 11, 2002.

Commissioner Davis discussed the Imagining Our Transportation Future conference scheduled for May 29, 2002, at the Bellevue Club Hotel. It will be an all day program on transportation pricing and related issues. He indicated that he would be attending. He also indicated that he spoke with Kjris Lund regarding Commission the presentations packet that she has been working on for public outreach. He also attended the PSRC meeting regarding I-405.

Commissioner Barnes indicated that he will be attending the I-5 Project Task Force committee. On May 23, and 30, the task force will be meeting to wrap up most of the items that will go into the report that will go to Oregon Governor Kitzhaber and Governor Locke's offices.

Commissioner Kargianis talked about budget issues and that it will take a combination of state and regional funding to solve the transportation problems. He suggested that as part of the HOV study the Commission look at using HOV lanes for moving freight to local industries and essential businesses.

Commissioner Marr indicated that he had spoken with Speaker Chopp and Senator Brown regarding transportation concerns. He also gave transportation presentations to the Kiwanis Club and the Lions Club. He indicated that he would be giving a presentation to the Davenport Commission on April 18, 2002. He will also be talking with Kjris Lund regarding the public out reach package. He will be in Washington DC next week leading a bi-state, five chamber delegation meeting with both Washington Senators, both Idaho Senators, and Representative Nethercutt. He stated that he would appoint a nominating committee at the May Commission meeting to look at the leadership of the commission in the coming year.

The Commission meeting adjourned at 5:00 p.m. on April 17, 2002.